

## **REMARKS**

Claims 1 – 17 were pending in this application.

Claims 1 - 17 were rejected.

Claim 1- 11 are cancelled.

Claims 12, 13 and 17 were amended.

### **L.35 USC 103(a) Rejections**

**Claims 1-17 were rejected under 35 USC 103(a) as being unpatentable in view of U.S. Patent No. 4,413,034 to Anderson in view of U.S. Patent No. 5,192,106 to Kaufman.**

The rejected claims originally contained three independent claims. Two have been deleted. Independent Claim 12 remains. Claim 12 has been amended and is believed to be clearly distinguishable over the cited prior art references, as is explained below.

#### **Claim 12**

Claim 12 sets forth a method of removing an optical compact disc from within a jewel case. “Jewel case” is a term of art that refers to the hinged plastic case that commonly holds optical compact disc.

As will be understood by the Examiner, when an optical compact disc is held within a jewel case, a small gap exists between the underside of the optical compact disc and the bottom of the jewel case. In the claimed method, a manipulation device is provided having at least one flat padded surface. The flat padded surface is thin enough to pass into the gap space between the optical compact disc and the jewel case. A portion of the flat padded surface is advanced into the gap space between. Accordingly, a portion of the flat padded surface passes under the optical compact disc and above the bottom of the jewel case.

The optical compact disc is gripped utilizing, at least in part, the flat padded surface.

Consequently, the flat padded surface prevents optical compact disc from being directly contacted by a user's fingers. The optical compact disc is separated from the jewel case by manipulating the optical compact disc through the flat padded surface.

**The Anderson patent** discloses a device for handling a vinyl record. As is evident from Fig. 10 of the Anderson patent, the Anderson patent uses a fold over pad having a thickness that is at least twice as thick as the record being grasped. Furthermore, in every embodiment of the Anderson device, there are either finger loops (Figs. 1-6, 9, 10), or handles (Figs 7 and 8). The use of either the finger loops or the handles dramatically increases the thickness of the device.

The Anderson device is used to remove vinyl records from paperboard sleeves. (See Fig. 1). As will be understood by the Examiner, paperboard sleeves for vinyl albums can be readily expanded to leave a gape of a few inches on either side of the record. Such a large gap is needed to use the Anderson device.

When a optical compact disc is being held in a jewel case, a gap no greater than one millimeter exists between the bottom surface of the compact disc and the below lying jewel case. It is clear that the fold-over pad illustrated and described in the Anderson patent could never fit into the small gap space between a compact disc and a jewel case. Accordingly, the device disclosed by the Anderson patent cannot be used to achieve the method step being claimed.

The Anderson patent issued before the advent of optical compact discs and therefore makes no disclosure concerning optical compact discs. To address this deficiency, the Examiner cites the Kaufman patent. **The Kaufman patent** discloses a set of plastic tongs that grips the peripheral edge of a compact disk to remove it from a jewel case. However, the Kaufman patent makes no disclosure of any type of flat padded surface that passes between an optical compact disc and its underlying jewel case.

**Accordingly, in combination, both the Anderson patent and the Kaufman patent** both fail to disclose the first claimed step of step of "*providing a manipulation device having at least one flat padded surface, wherein said flat padded surface is thin enough to pass into said gap space between said optical compact disc and said jewel case*".

The combined Anderson patent and the Kaufman patent fail to disclose the second

claimed step of “advancing a portion of said flat padded surface into said gap space between said optical compact disc and said jewel case”.

The combined Anderson patent and the Kaufman patent fail to disclose the third claimed step of “gripping said optical compact disc utilizing, at least in part, said flat padded surface, wherein said flat padded surface prevents said optical compact disc from being directly contacted by a user’s fingers”.

Lastly, the combined Anderson patent and the Kaufman patent fail to disclose the fourth claimed step of “separating the optical compact disc from the jewel case by manipulating the optical compact disc through said flat padded surface when gripped”.

It is therefore clear that the combination cited by the Examiner fails to disclose or suggest any of the four claimed steps presented in Claim 12. Since the combined references do not show the methodology being claimed, the Examiner is therefore respectfully requested to withdraw the 35 USC 103 rejection as applied to Claim 12 and its dependent claims.

### **II. DRAWINGS**

The drawings filed with the original application were informal. Formal drawings will be filed upon receipt of the Notice of Allowance for this application.

### **III. SUMMARY**

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,



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